

Stokeinteignhead Parish Council

Standing Orders

Standing Orders in **bold** are law

These Standing Orders were adopted by the Council at its Meeting held on 13 May 2014.

The last date of review was 08 May 2018.

The next date for review is 14 May 2019.

1. Meetings

- a) **Meetings shall not take place in premises, which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost¹.**
- b) Meetings shall be held at Stokeinteignhead Village Hall at 730pm in the evening unless the Council otherwise decides at a previous meeting.
- c) No meeting will take place in August to allow for a summer recess. A pre-agreed emergency committee (members to approve in July) will be responsible for dealing with urgent issues whilst the Council is in recess.
- d) Smoking is not permitted at any meeting of the Council.
- e) **When calculating the 3 clear days' notice for a meeting, the day on which was issued, the day of a meeting, a Sunday, a day of the Christmas break, a day of the Easter break, a bank holiday, or a day appointed for public thanksgiving or mourning shall not count².**
- f) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3³.** If a quorum is not present or if during a meeting the number of Councillors present (not counting those debarred by reason of a disclosable pecuniary interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at a following meeting.
- g) **The public shall be admitted to all meetings of the Council who may, however, temporarily exclude the public by means of the following resolution: 'That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw'. The Council shall state the special reason for exclusion⁴.**
- h) Subject to standing order 1f, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda during the 15 minute parishioner time.
- i) The local Member of Parliament, County Councillors, District Councillors, police representatives and incumbent vicar are permitted to speak during council meetings.
- j) **Photography, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted⁵,** but the Council asks that it is informed prior to the meeting.

¹ Local Government Act 1972 Schedule 12 (10.1)

² Local Government Act 1972 Schedule 12 (10.2a)

³ Local Government Act 1972 Schedule 12 (12)

⁴ Public Bodies (Admission to Meetings) Act 1960

⁵ Openness of Local Government Regulations 2014 (SI 2014/2095)

- k) **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman shall preside. If both the Chairman and Vice-Chairman are absent, a Councillor chosen by the Councillors present at the meeting shall preside⁶.**
- l) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman, may in his absence be done by, to or before the Vice-Chairman.**
- m) **The person presiding at the meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**
- n) **Councillors must make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting they are present where an item of business which affects or relates to the subject matter of that interest is under consideration (unless the interest is sensitive, *as defined by the Localism Act*, in which event you need not disclose the nature of the interest)⁷.**
- o) **Councillors must make a verbal declaration of the existence and nature of any non-disclosable pecuniary interest at any meeting they are present (see Code of Conduct for a definition of a non-disclosable pecuniary interest).**
- p) **Councillors must comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (unless a dispensation has been obtained). Councillors must leave the room whilst the item is considered.**
- q) **A dispensation may be granted to permit a member to discuss and vote on an item where they have a disclosable pecuniary interest if after having had regard to all relevant circumstances, the council considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or considers that granting the dispensation is in the interests of people living in the authority's area, or considers that it is otherwise appropriate to grant a dispensation. A member must submit a written request to the council for a dispensation⁸.**
- r) **A dispensation must specify the period for which it has effect and must not exceed four years⁹.**
- s) **No member of the council shall disclose to any person, not a member of the council, any business declared to be confidential by the council.**

2. Voting

- a) **Members shall vote verbally or by show of hands¹⁰.**
- b) **All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- c) **At the request of a Councillor, the voting of any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda¹¹.**

⁶ Local Government Act 1972 Schedule 12 (11.1, 11.2 and 11.3)

⁷ Localism Act 2011 Section 31

⁸ Localism Act 2011 Section 33.1 and 33.2

⁹ Localism Act 2011 Section 33.3

¹⁰ Local Government Act 1972 Schedule 12 (13.1)

¹¹ Local Government Act 1972 Schedule 12 (13.2)

- d) **The Chairman may give an original vote on to any matter put to the vote, and in case of an equality of votes may exercise his casting vote, whether or not he gave an original vote¹².**

3. Statutory Annual Meeting

- a) **In an election year, the statutory Annual Meeting of the Council shall be held or within 14 days following the day on which the new Councillors elected take office¹³**
- b) **In a year which is not an election year, the Annual Meeting of the Council shall be held on such a day in May as the Council may direct¹⁴.**
- c) **If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm.**
- d) **In addition to the Annual Meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs¹⁵.**
- e) **The election of the Chairman and Vice Chairman shall be the first business completed at the Annual Meeting of the council¹⁶.**
- f) **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the Annual Meeting until his successor is elected at the next annual meeting of the Council.**
- g) **The Chairman of the Council, unless he has resigned or becomes disqualified, shall hold office immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.**
- h) **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman has been elected. The current Chairman shall not have an original vote in respect of the election of the new Chairman but must give a casting vote in the case of an equality of votes.**
- i) **In an election year, if the current Chairman has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman has been elected. He may exercise an original vote in respect of the election of the new Chairman and must give a casting vote in the case of an equality of votes¹⁷.**
- j) **At each Annual Meeting of the Council the first business shall be:**
- i. To elect a Chairman and Vice Chairman of the Council**
 - ii. To receive the Chairman's declaration of acceptance of office**
 - iii. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations**
 - iv. To decide when any declarations of acceptance of office and written undertakings to comply with the Code of Conduct adopted by the Council which have not been received as provided by law shall be received**
 - v. Confirmation of the accuracy of the minutes of the last meeting of the Council**
 - vi. In an election year, delivery by councillors of their declarations of acceptance of office**
 - vii. Review of standing orders, financial regulations and risk management policy**
 - viii. Review the Council's complaints procedure**

¹² Local Government Act 1972 Schedule 12 (39.2)

¹³ Local Government Act 1972 Schedule 12 (7.2)

¹⁴ Local Government Act 1972 Schedule 12 (7.2)

¹⁵ Local Government Act 1972 Schedule 12 (8.1)

¹⁶ Local Government Act 1972 Schedule 12 (15.2)

¹⁷ Local Government Act 1972 Schedule 12 (39.2)

- ix. Review the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998
- x. Review if inventory of land and assets including buildings and office equipment
- xi. Review and confirmation of arrangements for insurance cover in respect of all insured risks
- xii. Review of the Council's and/or employees' membership of other bodies
- xiii. Appoint three designated signatories for payment
- xiv. Review the pay and conditions of service of existing workers

4. Extraordinary Meetings

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time¹⁸.**
- b) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors¹⁹.**

5. Disorderly Conduct

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b) If, in the opinion of the Chairman, there has been a breach of standing order 5a, the Chairman shall express that opinion and thereafter any councillor may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with ad without discussion.
- c) If a resolution made in accordance with standing order 5b above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it or he may adjourn the meeting.

6. Minutes

- a) **The minutes of a meeting shall record the names of councillors present²⁰ and absent.**
- b) **All minutes kept by the Council shall be open for the inspection of any member of the Council²¹.**
- c) If a copy of the draft minutes of a preceding meeting has been circulated to councillors, no later than the service of the summons to attend the scheduled meeting, they shall be taken as read.
- d) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.

¹⁸ Local Government Act 1972 Schedule 12 (9.1)

¹⁹ Local Government Act 1972 Schedule 12 (10.2a)

²⁰ Local Government Act 1972 Schedule 12 (40)

²¹ Local Government Act 1972 Schedule 12 (41 and 44)

- e) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- f) Upon a resolution which confirms the accuracy of the minutes of the meeting, any previous draft minutes or recordings of that meeting shall be destroyed.

7. Advisory Committees

- a) The Council may appoint advisory committees comprised of a number of Councillors and non-councillors. Advisory committees may consist wholly of persons who are non-councillors.

8. Code of Conduct

- a) **All Councillors shall observe the Code of Conduct adopted by the Council.**
- b) **The Code of Conduct shall apply to Councillors whenever they are acting in their capacity as a member of the Parish Council²².**
- c) **Councillors must ensure that their Register of Interests is kept up to date and notify the Monitoring Officer within 28 days if becoming aware of any change in their Disclosable Pecuniary Interests²³.**

9. Complaints

- a) The Council shall deal with complaints of maladministration allegedly committed by the Council, or by an Officer, or member, following the Complaints Procedure.

10. Accounts and Financial Statement

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed annually.
- b) The Responsible Finance Officer shall supply to each Councillors electronically before each meeting a statement summarising the Council's receipts and payments and balances held for that month. Half yearly and yearly statements will also be provided as appropriate.
- c) The annual governance statement shall be presented to the Council for formal approval before 30 June.
- d) Except as provided in paragraph 10e of this standing order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- e) Where it is necessary to make a payment before it has been authorised before the Council, such payment shall be certified as to its correctness by the Clerk. Such payment shall be authorised by the Proper Officer for payment, with the approval of the Chairman or Vice-Chairman of the Council.
- f) All payments ratified under paragraph 10e of this standing order shall be separately included in the next schedule of payments before the Council.

²² Localism Act 2011 Section 27.2

²³ Localism Act 2011 Chapter 7 (Section 34)

- g) **The Council shall approve written estimates/precepts for the coming year at its meeting before the end of December²⁴.**

11. Expenditure

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b) **The Council's financial regulations shall be reviewed once a year.**
- c) **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**
- d) **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to an employee²⁵.**

12. Financial Matters

- a) The Council shall consider and approve financial regulations drawn up by the Responsible Finance Officer, which shall include detailed arrangements in respect of the following:
- i. The accounting records and systems of internal control
 - ii. The assessment and management of financial risks faced by the Council
 - iii. The work of the internal auditor and the receipt of regular reports from the internal auditor, which shall be required at least annually
 - iv. The inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments
 - v. Procurement policies (subject to standing order 12b below) including the setting of values for different procedures where the contract has an estimated value of less than £50,000.
- b) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 12c below.**
- c) Any formal tender shall comprise the following steps:
- i. A public notice of intention to place a contract to be placed in a local newspaper
 - ii. A specification of the goods, materials, services and the execution of works shall be drawn up
 - iii. Tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated time and date
 - iv. Tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council
 - v. Tenders are then to be assessed and reported to the appropriate meeting of the Council or Committee
- d) The Council is not bound to accept the lowest tender, estimate or quote.
- e) **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (S1 No.5 as amended) and the Utilities**

²⁴ Local Government Finance Act 1992 Section 41

²⁵ Accounts and Audit (England) Regulations 2011

Contracts Regulations 2006 (S1 No.6 as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

13. Proper Officer

- a) The Council's Proper Officer shall be the Clerk. The Council's Proper Officer shall do the following:
- i. **Sign and serve on Councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting²⁶.**
 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of Council convened by Councillors is signed by them)²⁷**
 - iii. Send an invitation to attend a meeting of the Council and an agenda to District and County Councillors
 - iv. Make available for inspection the minutes of meetings
 - v. Retain a copy of every Councillor's Register of Interests, include these on the Council website and make them available for inspection
 - vi. Arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Financial Regulations
 - vii. Forward to the Council every planning application received within 72 hours of receipt by email setting out particulars including date received, name of applicant, place to which application relates and summary of nature of application
 - viii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary
 - ix. Manage the organisation, storage of access to information held by the Council in paper and electronic form
 - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
 - xi. **Receive and retain declarations of acceptance of office from Councillors²⁸**
 - xii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 13ai above**
 - xiii. Arrange for legal deeds to be signed by two Councillors and witnessed
 - xiv. **Receive and retain copies of byelaws made by other local authorities**
 - xv. A copy of these standing orders shall be given to each member by the Clerk upon delivery to them of the members declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council

14. Execution and Sealing of Deeds

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

²⁶ Local Government Act 1972 Schedule 12 (10.2b)

²⁷ Local Government Act 1972 Section 100 (2)

²⁸ Local Government Act 1972 Section 225 (1)

- b) **In accordance with a resolution made under standing order 14a above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

15. Variation, Revocation and Suspension of Standing Orders

- a) Any or every part of the standing orders, except those which are mandatory by law (and are printed in bold type) may be suspended by resolution to any specific item of business.
- b) A motion to permanently add to, or vary, or to revoke, one or more of the Council's standing orders, not mandatory by law, shall not be carried unless two thirds of the Councillors at a meeting of the Council vote in favour of the same.
- c) The Chairman's decision as to the application of standing orders at meetings shall be final.

Prepared by Rachel Avery – Clerk and Responsible Financial Officer